

REMARKS

Applicants submit herewith a Substitute Specification more inline with the suggested guidelines set forth in the Office Action, with the certification that the substitute specification contains no new matter and includes the changes indicated in the marked-up copy of the original specification.

The rejection of Claims 1-20 as being anticipated by the Yamakaji et al U.S. patent publication under 35 U.S.C. §102(e) is respectfully traversed. Reconsideration is requested in light of the following comments.

Aside from the fact that the cited publication addresses in a general way the design of a progressive lens, it is totally irrelevant to what is taught and claimed in the present application. In reviewing the sections of the Yamakaji et al document cited in the Office Action, particularly with reference to independent Claims 1, 9 and 13 herein, Applicants find nothing at all in that document which even suggests intentionally introducing a desired negative refraction deviation value of the average use value in the far reference point vis-à-vis the ordering value.

The Office Action references only Figs. 7-9, 12, 18 and 19 of the Yamakaji et al publication, but Applicants would include all of Figs. 7-19 in noting that they teaching nothing remotely related to the present application. They are directed to a method for optimizing a progressive lens, which includes using the value of the distance VR from a reference point on the back surface of a spectacle lens to the eye's center of rotation. The Yamakaji et al lens is optimized so that

in the far reference point the lens power in the prescribed individual wearing position (characterized, for example, by a value VR specific for the lens wearer) corresponds to the ordering or prescription power in the far reference point. That is, the lens is calculated such that there is no utilization of desired deviation of the lens power in use position with respect to the ordering or prescription power in the far reference point.

The referenced figures in Yamakaji et al show optical errors (e.g., astigmatism or refraction error in use position) of a finished lens, if the finished lens is worn in an use position, which deviates from the use position for which lens that has been optimized for a specific value of VR that would occur if the lens is worn in a different use position than the use position for which the lens is optimized. That different use position is characterized by a different value of VR. Thus, the referenced figures show nothing more than the optical errors in a situation where a person having a VR value wears a prescription lens, has been calculated for another VR value. These kinds of optical errors (namely, power errors and astigmatic errors) are not in any way equatable with the intended, desired refraction deviation of the calculation value of the average use value in the far reference point from the respective ordering value that is introduced during the optimization of the progressive spectacle lens.

Accordingly, a *prima facie* case of anticipation or even obviousness is not present in the current record even taking into account the other cited prior art. Therefore, early and favorable action is now earnestly solicited.

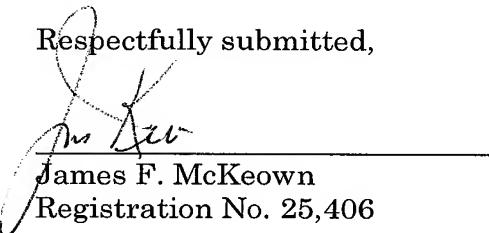
Serial No. 10/569,952
Amendment dated: August 3, 2009
Reply to Office Action

If there are any questions regarding this response or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket # 100341.56445US).

Respectfully submitted,

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